

REMARKS

Claims 1 – 34 are pending in the application. Claims 2, 4-8, 11, 16, 18, 20, 22, 23, and 31-33 are objected to as being dependent upon a rejected base claim. Claims 1, 3, 9, 10, 12 – 15, 17, 19, 21, 24-30, and 34 have been rejected under 35 U.S.C. §112, second paragraph; 35 U.S.C. § 102(b); and/or 35 U.S.C. §103(a). Claims 30 and 34 have been amended merely for clarity. Support for the amendments may be found in the specification and claims as originally filed. There is no new matter included in the amendments.

35 U.S.C. § 112 Rejections

Claims 30 and 34 have been rejected under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner has rejected claims 30 and 34 for reciting a method for treating neurodegenerative disease using electrofusion of two fusion partners with cell-like membranes brought into contact with each other. Claims 30 and 34 have been amended to recite “whereby one or more of drugs, genes, proteins, DNA or RNA is administered to a subject,” to clarify the claims. Support for the claim amendments can be found in the specification as originally filed, at least at, for example, page 11, lines 25-29, page 12, lines 9-14, and page 13, lines 4-10. Accordingly, Applicants request the withdrawal of the rejection and allowance of the claim.

35 U.S.C. § 102(b) Rejection

Claims 1, 3, 9, 10, 13, and 17 have been rejected as being anticipated by Chiu et al, Science, 1999, vol. 283, pp. 1892-1895 (Chiu) under 35 U.S.C. §§ 102 (b). Applicants respectfully traverse the rejection.

The Chiu reference is not properly cited as a 102(b) reference because it was not published more than one year prior to the priority date of the instant application. The Examiner incorrectly asserts that Applicants are not entitled to the 1999 Swedish priority date. Under 35 U.S.C. § 119, Applicants are clearly entitled to the 1999 Swedish priority date. In addition,

Applicants have amended the specification to explicitly include reference to the 1999 Swedish priority document. Thus, the instant application was filed within a year of the publication Chiu and thus Chiu is not a proper 102(b) reference. Accordingly, Applicants request the withdrawal of the rejection and allowance of the claims.

35 U.S.C. § 103(a) Rejection

Claims 1, 3, 9, 10, 13-15, 17, and 24 have been rejected as being un patentable over Chiu, in view of Prather et al, Tanaka et al, Walters et al, Chang et al, Kranz et al, Steenbakkers, Walker et al, and Heller et al under 35 U.S.C. § 103 (a). Applicants respectfully traverse the rejection.

The Chiu reference is not properly cited as a § 103(a) reference because it was not published more than one year prior to the priority date of the instant application. As neither Prather et al; Tanaka et al, Walters et al, Chang et al, Kranz et al, Steenbakkers, Walker et al; nor Heller teach or suggest each and every element of each claim, they do not render the instant application obvious. Accordingly, Applicants request the withdrawal of the rejection and allowance of the claims.

CONCLUSION

In light of the above remarks, Applicants respectfully requests early consideration and allowance of the subject application.

Attached is a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to extend the period for response for one (1) month, up to September 3, 2005, along with the necessary fee. Please charge any additional fees required in connection with the papers transmitted herewith to Deposit Account No. 04-1105.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

Respectfully submitted,

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